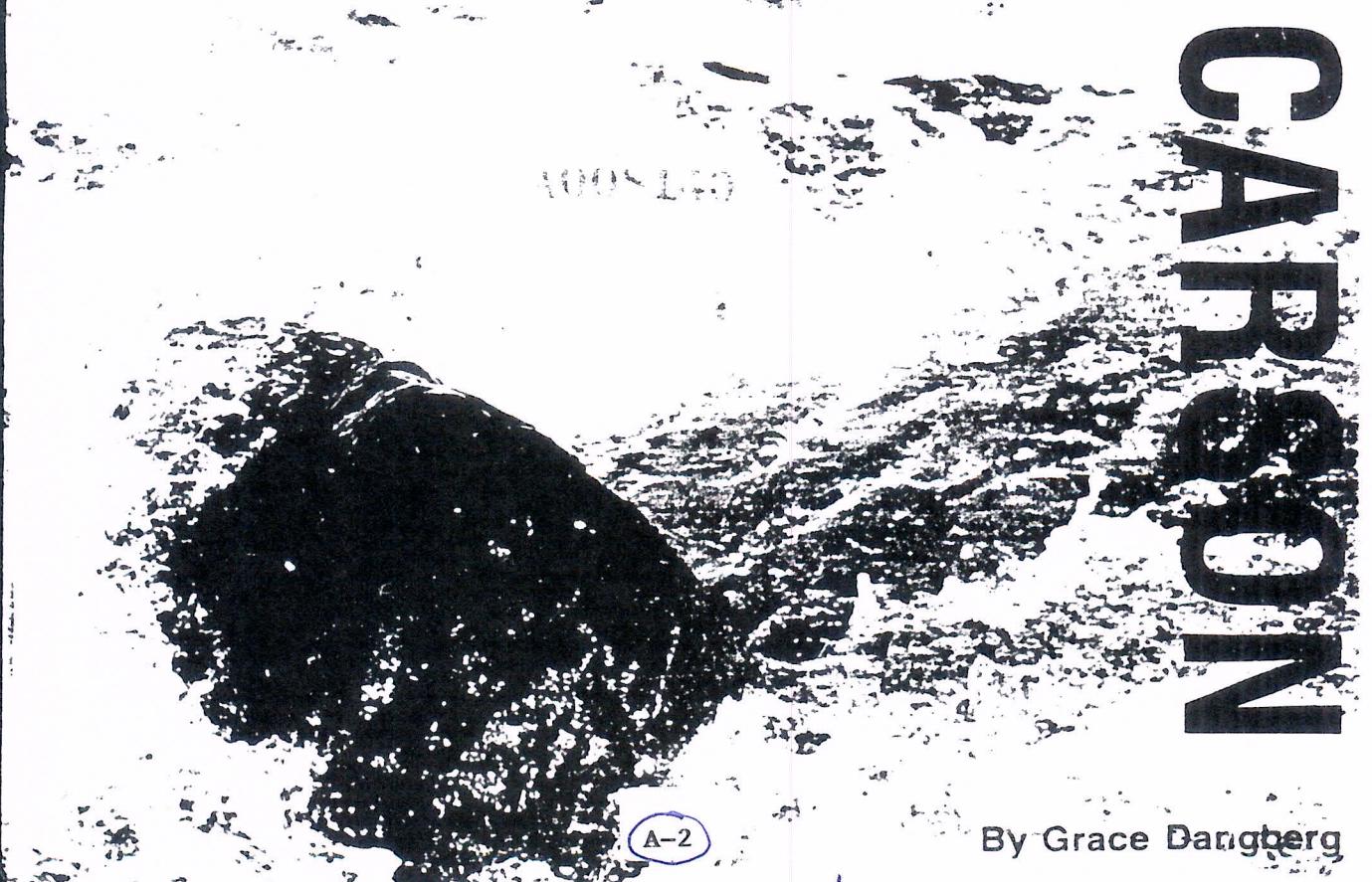




VIVIAN



NON CARBON
DRAFT

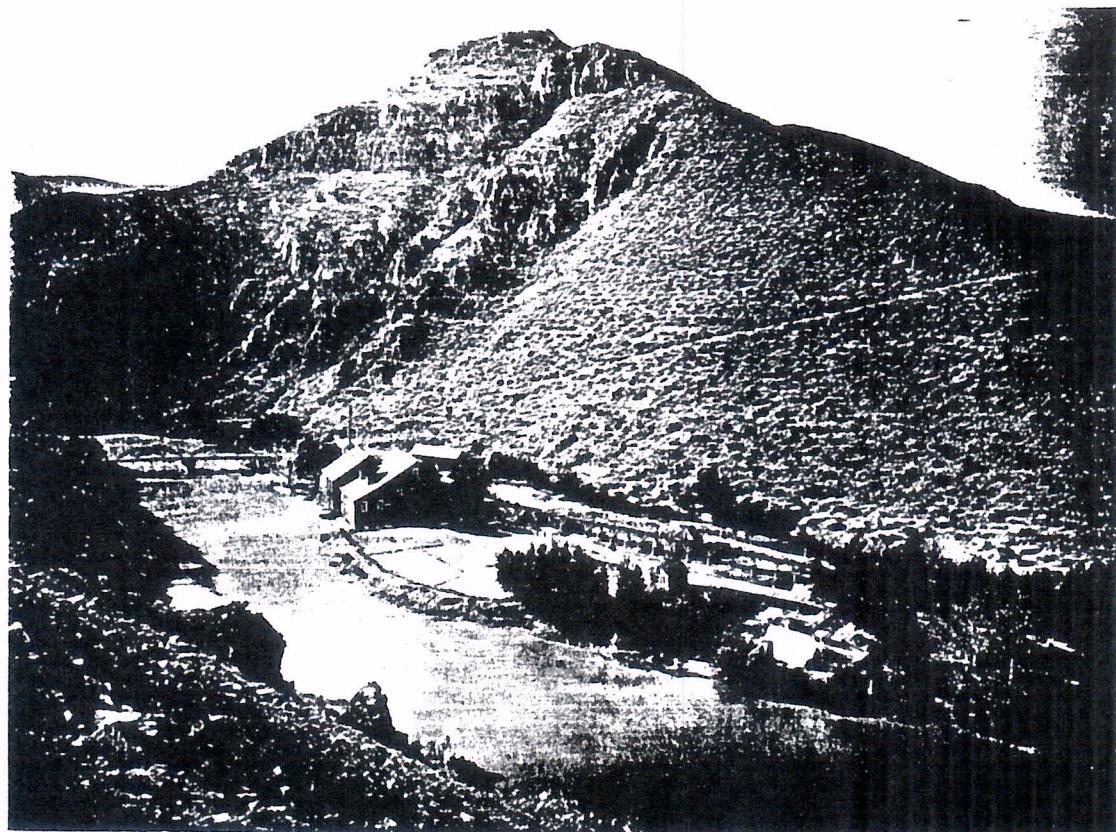
Vivian Mill

The Vivian mill was situated two miles below the Merrimac. The first recorded document relating to this mill is the Survey of E. Said, J.S. Henning and A.W. Potts, dated 12 & 13 April 1861. (520, vol. 13, p. 143)

William Sharon bought a two-thirds interest in the mill on 1 November 1870 for which he paid \$5000. Sharon was president of the Union Mill and Mining Company. Before Sharon bought the mill it was sold by D.J. Gasher, Sheriff, to E. Ruhling and J.V.S. McCullough for \$4288. This was on 7 January 1864. (520, vol. 13, p. 151)

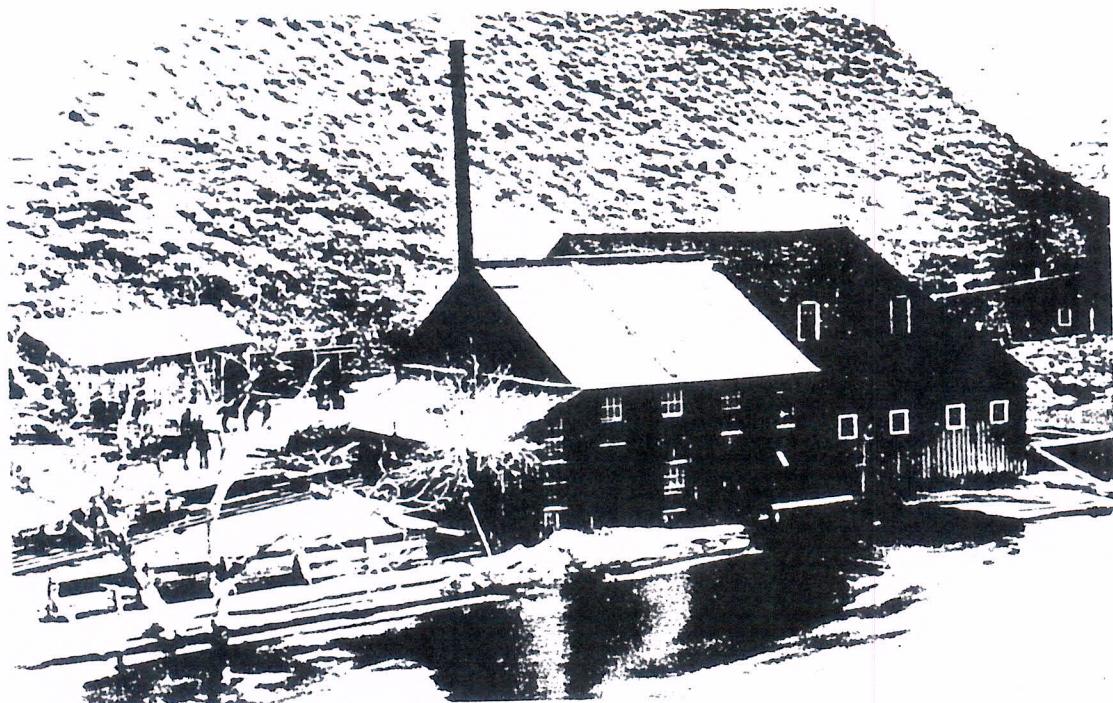
The original mill was washed away in the flood of 1861-1862. It was rebuilt in 1862. C.B. Barstow was the engineer in charge. He testified, under direct examination by Counsel Coffin, as follows:

- ..What is your age, residence and occupation?
- A. My age is seventy years, residence Napa City, occupation mining engineer.
- Q. How long have you been engaged in that line of business?
- A. Forty-five years.
- Q. Were you ever in the Washoe country in Nevada?
- A. I was there July 19, 1859.



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NEVADA HISTORICAL SOCIETY

The Vivian mill, winter scene.

A.
Q.
A.
Q.
A.

was
after
p. +

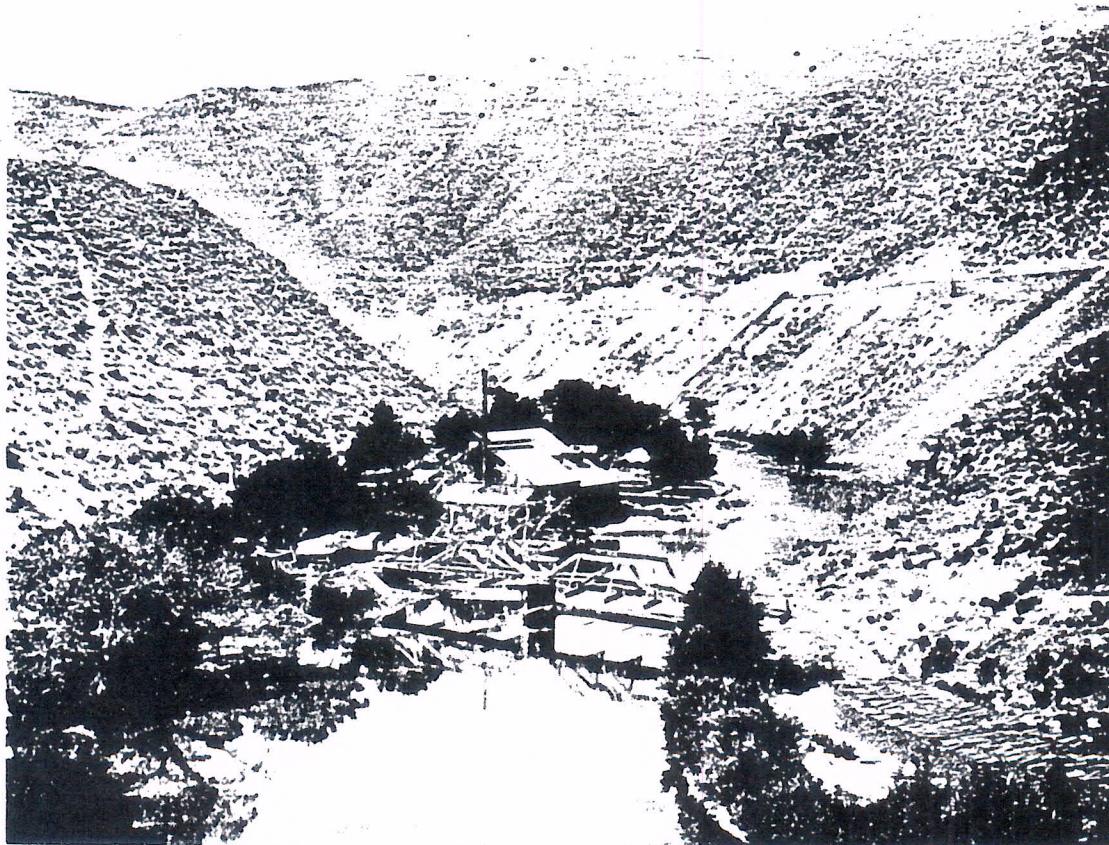
- Q: Were you in any way connected with any of the quartz mills on the river?
- A. Yes, sir.
- Q. Which one?
- A. With the Vivian mill.
- Q. Did you build the Vivian mill?
- A. Yes, sir.
- Q. When?
- A. In 1862. It was washed away in 1861.
- Q. Was the mill that you built in 1862 the original mill?
- A. No, it was built to replace the mill that was washed away in the winter of 1861.
- Q. When was the first mill built, if you know?
- A. In the winter of 1859-60.
- Q. When was it washed away?
- A. I built the mill in 1859-60. That mill belonged to Hansen and Woodworth.
- Q. When did that mill wash away?
- A. It washed away in the winter of 1861-62.
- Q. Was there a freshet in the Carson River in the winter of 1861-1862?
- A. Yes, there was a very great freshet that winter.
- Q. You rebuilt the mill what year?

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- A. In the winter of 1862-63.
- Q. Was the mill completed in the spring of 1863?
- A. Yes, I got it running in June, 1863.
- Q. When was the Vivian ditch dug?
- A. In 1861, Zenos Wheeler and I put up the first mill together and I put up the last one alone; that is, I had charge of the work of building the mill." (520, Plaintiff's vol. 2, pp. 713-714)

According to Kelly, (2, p. 92) the ditch leading from the Carson River to the mill was 1100 feet long.

Augustus Cutts was foreman of the Vivian mill in 1881 and superintendent of it after that. He was still superintendent when testifying in 1893. (520, Plaintiff's vol. 2, p. 422)



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The Vivian mill, 1876.

A008186

Santiago Mill

The Santiago mill was situated one-quarter of a mile below the Vivian Mill. The first recorded document relating to this mill is the Survey of E. Said, J.S. Henning, and A.W. Potts, dated 16 April 1861.

The Santiago Milling Company, as the owners named themselves on 27 August 1863, deeded the mill to the Union Mill and Mining Company on 21 January 1869. The consideration was \$52,000. (520, vol. 13, pp. 171-184)

James Morgan, a miner, who came into part ownership of the mill in August of 1861, testifying in 1893, told how the property changed hands during the building of the mill.

"In 1860 or 1861, did you know Elkana Said?

A. I did.

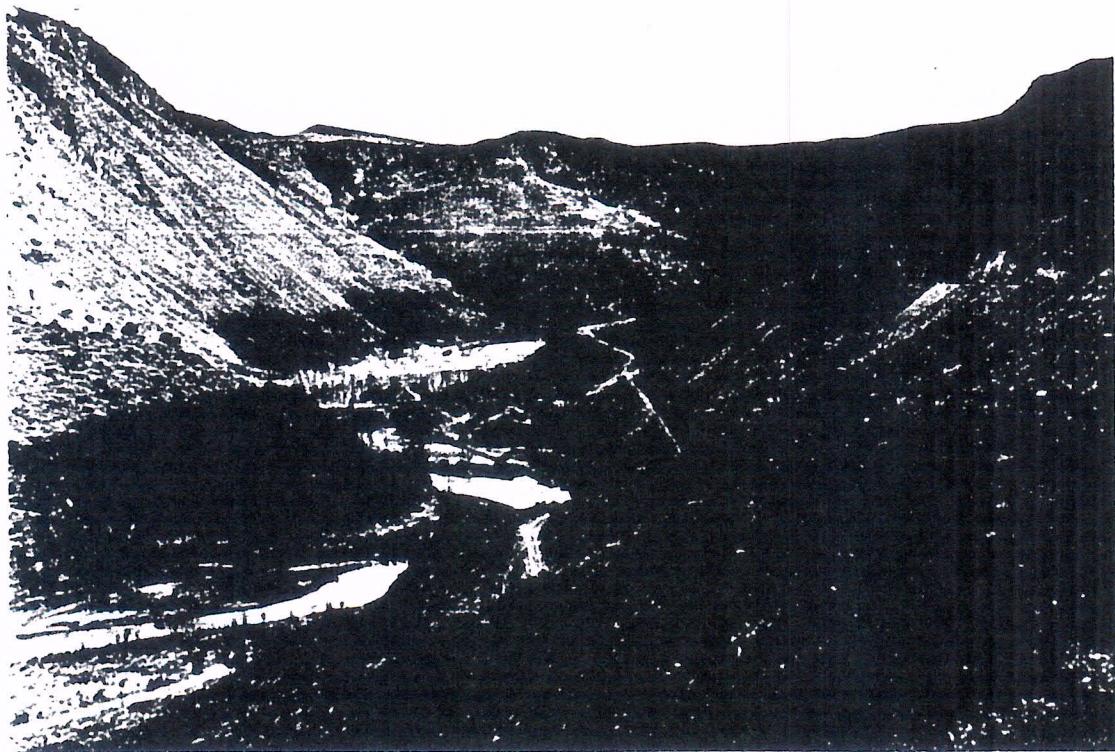
Q. Did you purchase from him the water right and mill site upon which now stands the Santiago Mill on the Carson River, in Ormsby County?

A. I did.

Q. Did you purchase it alone, or in connection with Senator Stewart and others?

A. I purchased it alone.

Q. Did you receive a deed from him for it?



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The Santiago mill from the V.&T. railroad tracks, 1876.

AN008187

- A. I did.
- Q. Who drew it?
- A. It was drawn in Senator Stewart's office. I think Mr. Rising drew it; I am very sure he did.
- Q. Judge Rising of Nevada?
- A. Yes, sir.
- Q. Do you know what became of that deed?
- A. I do not, except it was burnt with my papers in Virginia City. I built a house in Virginia City, and moved into it, and all my papers, in 1863, and the house was burnt up, containing all my papers.
- Q. Do you know when you purchased the property from Elkana Said—the water right and the mill site and whatever claims he had on the Carson River?
- A. I think I purchased it in the winter of 1860—towards the spring or winter of 1860. Let me see, it must have been later than that.
- Q. Do you recollect whether or not you gave him a mortgage back for the purchase price; refresh your recollection by a copy of the abstract, showing the mortgage, and see if that will give you the time.
- A. Yes, it was in 1861.
- Q. Can you fix the date or about the date when you purchased the water right and Santiago mill site from Elkana Said?
- A. It was in 1861.
- Q. What date?
- A. August 22, 1861.
- Q. Did you erect a quartz mill on the Santiago mill site that you purchased from Said?
- A. I did not erect the mill, but I furnished all the money to erect it; Said, Stewart and Henning erected it, and Stewart and Henning got to quarreling with Said, and he finally got me to buy him out.
- Q. Was the mill known as the Stewart and Henning mill?
- A. Yes, it was always known as the Stewart and Henning mill until we sold to Thompson and Reynold.
- Q. When was the mill built?
- A. It was built in the spring of 1861; it was commenced early in the spring; I think in February, 1861.
- Q. Do you remember the ditch that was constructed to carry water to the mill to furnish power?
- A. Yes, sir.
- Q. Was the ditch built at the same time the mill was?
- A. Yes, and may be before the mill.
- Q. How large a ditch was built there?

AUGUST 22

- A. As near as I can recollect, that ditch was about two thousand feet long, and between ten and twelve feet wide, and between six and seven feet deep; about six feet deep, I think.
- Q. Was there a dam built to divert water out of the river into the ditch?
- A. Yes, they built a dam right across the river.
- Q. Do you know whether the mill was finished and put in operation in 1861?
- A. It was finished and put in operation along in—I am very sure that the mill was running in 1861—in May, 1861; they run it a little while before I bought in.
- Q. But you say your furnished the money to build the mill?
- A. I loaned them the money to build the mill, and to cut the ditch and build the dam.
- Q. And that fact serves your recollection as to dates?
- A. Yes, I was there two or three times a week when they were building the mill.
- Q. How long did you own it before you disposed of it?
- A. I don't remember that; if you have the deed to Thompson and Reynold you will see.
- Q. That is dated November, 1862.
- A. That is correct." (520, Plaintiff's vol. 2, pp. 703-706)



NEVADA HISTORICAL SOCIETY

The Santiago mill in winter, 1870s.

A0008150

This Indenture made the Tenth day of February in the year of our Lord One thousand eight hundred and seventy three Between A. E. Head of the City and County of San Francisco party of the first part and William Shar on the party of the second part witnesseth, That the said party of the first part for and in consideration of the sum of Ten dollars of the United States of America to him in hand paid by the said party of the second part the receipt whereof is hereby acknowledged has granted bargained sold remised released and for ever quit claimed and by these presents does grant bargain sell remise release and forever quit claim unto the said party of the second part and to his heirs and assigns all his interest in the quartz mill situated in Ormsby County State of Nevada known as the "Vivian Mill" together with the water right and all and singular the rights of whatever kind or nature belonging to said Vivian Quartz Mill Together with all the drift spurs and angles and also all the metals ore gold and silver bearing rocks and earths thereon and all the rights, privileges and franchises thereto incident appurtenant and appertaining or therewith usually, heretofore and in past And also all and singular the documents heretofore executed or apprehended thereto belonging or in anywise appertaining and the rents, issues and profits thereof And also all the estate rights title interest property possession claims and demands whatsoever as well as law or in equity of the said party of the first part of his unto the said premises and every part, and general thereof with all the appurtenances To have and to hold all and singular the said premises together with the appurtenances and franchises thereto incident unto the said party of the second part — his and assigns forever.

In witness whereof the said party of the first part has hereunto set his hand and Seal the day and year first above written.

Signed Sealed and Delivered under
Seal of W. J. Hibben

A. E. Head Esq^r

United States of America.

State of California

City and County of San Francisco } St. J. H. J. Thibault a Commissioner for the
State of Nevada duly Commissioner and qualified under and by virtue of whose
Majesty residing in the City and County of San Francisco and State of California
do hereby Certify that on the Tenth day of February in the year of our Lord one
thousand eight hundred and seventy three before me personally appeared A. E.
Head personally known to me to be the person whose name is subscribed to the

and party of the first part of us to the said premises and every part thereof
and thereof with his appointment. To have and to hold all and
singular the said premises together with the appurtenances and privileges
thereunto incident unto the said party of the second part — his and his heirs
and assigns forever.

In witness whereof the said party of the first part has caused to set his hand
and seal the day and year first above written.

Signed Sealed and Delivered under
Seal of H. J. Thibault

A. E. Howard Esq^r

United States of America.

State of California

City and County of San Francisco }
State of Nevada } by F. J. Thibault a Commissioner for the
City and County of San Francisco and qualified under and by virtue of the laws
thereof residing in the City and County of San Francisco and State of California
do hereby Certify that on the Thirtieth day of February in the year of our Lord one
thousand eight hundred and seventy three before me personally appeared A. E.
Howard personally known to me to be the person whose name is subscribed to the
aforementioned instrument as a party thereto and to be the individual described in said
instrument who executed the said instrument. And he the said A. E. Howard duly acknowledged to me
that he executed the same freely and voluntarily and for the uses and purposes
therein mentioned. In witness whereof I have hereunto set my hand and
affixed my official seal as such Commissioner at my Office in the City and County
(tr. 83) of San Francisco and State of California the thirtieth day of February in the year of
our Lord One thousand eight hundred and seventy three.

F. J. Thibault Commissioner for Nevada in California

This is to witness and to show that the above instrument was executed
and acknowledged before me this day of February in the year of our Lord
one thousand eight hundred and seventy three.

This Indenture Made the Twentieth day of February in the year of our Lord One thousand eight hundred and Seventy three Between William Sharow party of the first part and R. F. Morrison of the City and County of San Francisco State of California the party of the second part.

Witnesseth, That the said party of the first part for and in consideration of the sum of Ten dollars of the United States of America to him in hands paid by the said party of the first part the receipt whereof is hereby acknowledged has granted bargained sold remised released and for ever quit claimed and by these presents does grant bargain sell remise release and for ever quit claim unto the said party of the second part and to his heirs and assigns an undivided one half interest in the Property Mill Situate and Bounding ^{near} Nevada Known as the "Vivian" Mill together with the water right and all and singular the rights of whatsoever kind or nature belonging to said undivided one half interest in said "Vivian Quarry" Mill. Together with all other parts and angles and also all the metals, ores, gold and silver, granite, rock and sand therein and all the rights, privileges and franchises thereto incident, appertaining and appurtenant or therewith usually had and enjoyed: And also all and singular the fixtures hereditaments and appurtenances thereto belonging or in any wise appertaining and the rents, issues and profits thereof And also all the estate right title interest property possession claim and demand whatsoever as well in law as in equity of the said party of the first part of or to the said premises and every part and parcel thereof with the appurtenances To have and to hold all and singular the said premises together with the appurtenances and privileges thereto incident unto the said party of the second part his heirs and assigns forever.

In witness whereof the said party of the first part has hereunto set his hand and seal the day and year first above written.

Signed Sealed and Delivered in) *R. F. Morrison*

The Presence of E. V. force

State of California

City and County of San Francisco } On this Twentieth day of February
A.D. one thousand eight hundred and Seventy three before me E. V. force
a Notary Public in and for said City and
County of San Francisco, I, William Sharow whose name

is affixed
to this instrument
doth affix my
Signature
and Seal
this day of
February
one thousand
eight hundred
and Seventy three

Wm. Sharow

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and to grant and convey unto the said party of the first part his
and profits thereof and also all the estate right title interest property
possession claims and demands whatsoever as well in law as in
equity of the said party either first party or to the said premises
and every part and parcel thereof with the appurtenances To have
and to hold all and singular the said premises together with the
appurtenances and privileges thereto annexed unto the said party of
the second part his heirs and assigns forever.

In witness whereof the said party of the first part has hereunto
set his hand and seal this day and year first above written
Signed Sealed and Delivered) Wm. Sharon (Seal)
the Person of E. V. force

State of California

City and County of San Francisco }
A.D. one thousand eight hundred and seventy three before me E. V. force
a Commissioner of Deeds for the State of Nevada in and for said City and
County personally appeared the witness named William Sharon whose name
is subscribed to the annexed instrument as a party thereto personally known
to me to be the individual described in and who presented the said annexed
instrument and who acknowledged to me that he executed the same freely
and voluntarily and for the uses and purposes therein mentioned

In witness whereof I have hereunto set my hand and affixed my official
Seal this day and year in this Certificate first above written

E. V. force Commissioner of Deeds for the State of Nevada

City Recorder's Office
25 Sept 1978 Shown in this office
Caroline

Edward V. Force